

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KRISTI ANN LUNA-MICHAEL,
Plaintiff,
v.
COMMISSIONER OF SOCIAL SECURITY,
Defendant.

Case No. 1:21-cv-01083-SAB

ORDER REQUIRING DEFENDANT TO
SHOW CAUSE WHY SANCTIONS
SHOULD NOT BE IMPOSED FOR
FAILURE TO LODGE ADMINISTRATIVE
RECORD

(ECF No. 8)

DEADLINE: AUGUST 8, 2022

On July 12, 2021, Plaintiff Kristi Ann Luna-Michael filed this action seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) denying an application for disability benefits pursuant to the Social Security Act. (ECF No. 1.) On April 1, 2022, the Court issued an order advising the parties of the lifting of the stay of action pursuant to General Order Number 644, which rescinded the Court’s temporary stay in Social Security Matters effective April 1, 2022, and provided an amended scheduling order. (ECF No. 8.) Pursuant to the amended scheduling order, Defendant was directed to electronically file the administrative record within 120 days of service of the Court’s order. (*Id.* at 2.) Thus, the deadline to file the administrative record was August 1, 2022. However, an independent review of the docket reveals that, as of August 1, 2022, neither the administrative record, nor other filings, have been submitted.

Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these

1 Rules or with any order of the Court may be grounds for imposition by the Court of any and all
2 sanctions . . . within the inherent power of the Court.” The Court has the inherent power to
3 control its docket and may, in the exercise of that power, impose sanctions where appropriate,
4 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.
5 2000).

6 Defendant’s failure to timely lodge the administrative record constitutes a failure to
7 comply with the Court’s order. Accordingly, Defendant will be directed to show cause why
8 sanctions should not issue for failure to lodge the administrative record in compliance with the
9 Court’s April 1, 2022 order (ECF No. 8).

10 Based on the foregoing, IT IS HEREBY ORDERED that **no later than August 8, 2022**,
11 Defendant shall show cause in writing why sanctions should not issue for the failure to comply
12 with the Court’s orders and timely lodge the administrative record in this matter. Failure to
13 comply with this order will result in the imposition of sanctions.

14
15 IT IS SO ORDERED.

16 Dated: **August 2, 2022**


UNITED STATES MAGISTRATE JUDGE